

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

Case No. 3:23-md-3071

MDL No. 3071

JURY DEMAND

Chief Judge Waverly D. Crenshaw, Jr.

This Document Relates to:

3:23-cv-00330	3:23-cv-00380
3:23-cv-00331	3:23-cv-00979
3:23-cv-00332	3:23-cv-00381
3:23-cv-00326	3:23-cv-00387
3:23-cv-00333	3:23-cv-00388
3:23-cv-00334	3:23-cv-00389
3:23-cv-00335	3:23-cv-00390
3:23-cv-00336	3:23-cv-00391
3:23-cv-00337	3:23-cv-00410
3:23-cv-00338	3:23-cv-00411
3:23-cv-00339	3:23-cv-00419
3:23-cv-00344	3:23-cv-00413
3:23-cv-00345	3:23-cv-00412
3:23-cv-00356	3:23-cv-00414
3:23-cv-00357	3:23-cv-00416
3:23-cv-00358	3:23-cv-00415
3:23-cv-00377	3:23-cv-00440
3:23-cv-00378	3:23-cv-00445
3:23-cv-00379	3:23-cv-00552
3:22-cv-01082	3:23-cv-00742

DECLARATION OF TRICIA HERZFELD

I, Tricia R. Herzfeld, pursuant to 28 U.S.C. § 1746, declare that the following is true and correct to the best of my knowledge and belief:

1. I am a partner with the law firm of Herzfeld, Suetholz, Gastel, Leniski and Wall, PLLC, and serve as Plaintiffs' Liaison Counsel in this litigation.

2. I submit this declaration in support of Plaintiffs' Opposition to Defendants' Rule 12(b)(6) Motion to Dismiss LRO Claims for Failure to State a Claim.

3. In Plaintiffs' Second Amended Consolidated Class Action Complaint (Dkt. 530), Paragraph 223 Footnote 121 contains a hyperlink for the "Terms of Service for Rainmaker System Modules (Dec. 7, 2017), <https://www.realpage.com/rainmakermfh-terms/>. Attached as **Exhibit 1** hereto is a printout of the landing page for that hyperlink, which I last accessed on today's date, November 8, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of November 2023 in Nashville, Tennessee.



Tricia R. Herzfeld